

#### THE EMPLOYED PROFESSIONAL

- ways to regulate professional and para-professional groups with high proportions of employee members;
- unionization;
- professional bargaining units and their relationship to professional self-governing bodies.

#### CITIZENSHIP AND IMMIGRATION

- Canadian citizenship or British subject status as a condition of entry into, or participation in the government of, each of the designated professions;
- regulations regarding professionals from other provinces or countries.

#### PUBLIC INFORMATION

- the kinds of information needed by consumers of professional services;
- the information gaps which exist between buyers and sellers in the professional marketplace;
- ways to improve the availability of information wherever necessary (e.g. specialty designation, advertising, etc.);
- the information needed by government, by clients, and by the public-at-large regarding professional individuals and their governing bodies in order to ensure accountability for their actions;
- confidentiality versus freedom of information in the professions.

#### PUBLIC ACCOUNTABILITY

- the nature of the "public interest" in professional regulation;
- representation on governing bodies of professions;
- mechanisms for reviewing the decisions of professional bodies.

## 2. Surveys, Interviews and Data Analysis

The Committee requires a good deal of statistical information in order to address the Terms of Refer-

ence and arrive at its conclusions and recommendations in a responsible and well-substantiated manner. Because the required data are scarce, the Committee has itself undertaken to collect additional information.

A questionnaire survey of professional firms in Ontario is now in progress. It is designed to assemble such currently unavailable information as that on the distribution of professional and para-professional people in firms of different sizes and different geographic areas, and specialization of firms and practitioners. This survey will be supplemented by intensive interviews with a sample of firms and by case studies of particular areas of professional activity. In addition, a survey of clients of professional services will be conducted during the summer of 1977. Finally, the Committee's staff economists will review data from Statistics Canada's Highly Qualified Manpower Survey and other existing sources.

## 3. Information Exchange and Consultation Programme

At all stages of its work, the Professional Organizations Committee is anxious to consult with interested groups and individuals — professional governing bodies, associations and practitioners; users of professional services; educational institutions and students of the professions; other interested groups and the public-at-large.

The Committee sees this consultative process taking several forms: First, as has been noted, the Committee has solicited preliminary briefs to help establish the priorities of the project. Secondly, the Committee hopes to formalize the on-going process of consultation by encouraging the formation of liaison committees in each professional area. In addition to the profession-related liaison groups, the Committee intends to consult with representatives from several other communities of interest in the Province (e.g. consumers, business, labour, welfare and social planning).

In 1978, the research directorate will present a position paper which analyzes the issues that have been

investigated thus far and poses tentative proposals for their resolution. The Committee will then hold a series of meetings with affected interests to discuss views on the position paper. The Committee and its staff will also be available, on an ongoing basis during the course of the study, to meet informally with interested parties. As indicated above, you will also have an opportunity to make a submission in response to the position paper.

The Committee's final report will be presented to the Attorney General for consideration.



The Professional Organizations Committee invites you to submit a brief to this office based on what you have read in this brochure. Please feel free to address any or all of the issues outlined here. Both these briefs and the working papers will be valuable to the research directorate in its preparation of the position paper and to the Committee in the preparation of its final report.

The Committee asks that anyone planning to submit a brief at this stage kindly complete the attached return-card. Briefs must be received by 31 October, 1977. Please address to:

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# Professional Organizations Committee

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## TERMS OF REFERENCE

In April 1976, the Attorney General of Ontario requested a study of the administration of certain statutes dealing with professional and self-governing organizations. The aim of the study is to suggest legislation setting the legal framework within which these professions are to operate. A ministerial committee has been established to undertake this task. The particular statutes to be reviewed are as follows:

1. The Architects Act
2. The Law Society Act
3. The Notaries Act
4. The Professional Engineers Act
5. The Public Accountancy Act

The Terms of Reference include the following specific matters:

1. The appropriateness of the existing division of functions and jurisdiction of these professional groups, for instance, the appropriateness of the dividing line between architecture and engineering in the design of buildings;
2. The possible creation of new professional groups and sub-groups or the amalgamation of groups within these professions; for instance, the possible abolition of the existing divisions between chartered accountants and accredited public accountants;
3. The need for recognition and definition of the roles of para-professionals, such as law clerks and engineering technologists, and the appropriateness of the possible creation of new governing bodies for these groups;
4. The amount of control these professional groups should have over the training and certification of their members;
5. The appropriateness of permitting members of these professions to incorporate their practices;
6. Any incidental questions raised by the foregoing issues.

These Terms of Reference were supplemented on 1 November 1976 by a letter from the Honourable R. Roy McMurtry, Attorney General for Ontario, to H. Allan

Leal, Q.C., Chairman of the Professional Organizations Committee, as follows:

The appropriateness of a requirement of Canadian citizenship or British subject status as a condition of membership in a professional body.

The study has been in progress since June 1976.

## THE PROFESSIONAL ORGANIZATIONS COMMITTEE

The Attorney General has appointed H. Allan Leal, Q.C., as Chairman of the Professional Organizations Committee. Mr. Leal was Chairman of the Ontario Law Reform Commission from 1966 to 1977. He was named Deputy Attorney General in March 1977.

The Attorney General has appointed two members to sit with H. Allan Leal as the Professional Organizations Committee:

Dr. J. Alex Corry is Principal Emeritus of Queen's University at Kingston. He is a former professor of political science and dean of the Faculty of Law at Queen's University.

Dr. J. Stefan Dupré is a professor of political science at the University of Toronto. He is a former chairman of the Department of Political Economy at the University of Toronto and is the immediate past chairman of the Ontario Council on University Affairs.

The Research Director of the Committee is Professor Michael J. Trebilcock, Director of the Law and Economics Programme at the University of Toronto's Faculty of Law. Professor Trebilcock is joined by two Associate Research Directors: Dr. Carolyn J. Tuohy and Dr. Alan D. Wolfson, both from the Departments of Political Economy and Health Administration at the University of Toronto. There is also a staff of three full-time and one part-time researchers with a range of skills and experience in law, public administration, economics and data assembly and processing. To supplement this staff, a number of outside researchers, with backgrounds in architecture, engineering, law and accounting, as well as in economics and political science, have been retained to assist in the project.

## RESEARCH METHODOLOGY

As a first step in the project, in June 1976 advertisements and mailed notices invited interested parties to submit preliminary briefs identifying issues that they considered the Committee should study. As a result of this invitation, eighty-four briefs were received.

In addition, the staff has prepared a detailed descriptive regulatory profile of each profession, outlining the institutional framework within which it operates. These profiles provide background information for the researchers who are preparing working papers for the Committee.

On the basis of these profiles and preliminary briefs, the Committee has specified a number of policy issues to be considered and types of information to be assembled. Accordingly, it has initiated three major activities: 1. Working Papers; 2. Surveys, Interviews and Data Analysis; and, 3. Information Exchange and Consultation with interested parties.

### 1. Working Papers

The Committee has commissioned a number of working papers. Each assignment is presented in the form of several policy issues which the researcher is asked to analyse through both a review of the relevant literature and empirical work.

The issues fall into two categories: (a) those regarding the "division of functions" in specific professional fields; and (b) those which are not specific to particular professions but which arise in any consideration of professional legislation. What follows is a summary of the issues to be addressed in the Committee's working papers:

#### 1a. Working papers on the division of functions in specific professions

There will be three working papers which address the important question of the division of functions in the professions; one paper will be prepared for

each of architecture/engineering, law, and accounting.

These papers will consider the appropriate definitions and boundaries of the scopes of practice of occupational groups and, accordingly, the appropriate authority of the governing bodies in each profession. We have asked the research teams assigned to these papers to consider such issues as:

- the appropriateness of specialty designations within professions;
- the role of para-professionals and allied occupational groups;
- disputes between or within professions over the division of functions;
- the training necessary for the performance of the various functions identified in the analysis of the above issues;
- the appropriate ways of regulating these various functions.

The composition of the research teams for each of these three working papers reflects a concern that they consider both technical factors and other issues of importance to the public, such as the supply, pricing and distribution of professional services. Accordingly, persons with technical knowledge of the field and an economist are included on each team.

Issues of importance in the regulation of notaries will be addressed in a separate working paper.

#### 1b. Working papers on cross-professional issues

Certain issues arise in most of the professions under study and therefore will be considered generally.

#### FIRM STRUCTURE

- the conditions under which professional firms might be permitted to incorporate;
- the possibility of permitting professional firms offering mixed forms of professional services.